

Exhibit B

From: [Bhachu, Amarjeet \(USAILN\)](#)
To: [Craig, Dan](#); [Jacobson, Joan](#); [MacArthur, Diane \(USAILN\)](#); [Streicker, Sarah \(USAILN\)](#); [Schwartz, Julia \(USAILN\)](#)
Cc: [Lassar, Scott R.](#); [Woodring, Emily](#); [Cotter, Patrick](#); [Niemeier, David](#); [Jackie Jacobson](#); [Susan Pavlow](#); [Gabrielle R. Sansonetti](#); [Michael Gillespie](#); [Wheeler, Jenny](#)
Subject: RE: 20-cr-812 - USA v. McClain et al
Date: Friday, February 14, 2025 5:42:19 PM

EXTERNAL EMAIL - Use caution with links and attachments.

Counsel,

Thank you for your letter of February 13, 2025. We are aware of the recent order issued by the Attorney General and the President's executive order concerning the FCPA and will comply with whatever review guidance we receive in future.

We oppose your motion.

From: Craig, Dan <dcraig@sidley.com>
Sent: Thursday, February 13, 2025 3:25 PM
To: Jacobson, Joan <j Joan.jacobson@sidley.com>; Bhachu, Amarjeet (USAILN) <ABhachu@usa.doj.gov>; MacArthur, Diane (USAILN) <DMacArthur@usa.doj.gov>; Streicker, Sarah (USAILN) <SStreicker@usa.doj.gov>; Schwartz, Julia (USAILN) <JSchwartz@usa.doj.gov>
Cc: Lassar, Scott R. <slassar@sidley.com>; Woodring, Emily <ewoodring@sidley.com>; Cotter, Patrick <PCotter@ubglaw.com>; Niemeier, David <DNiemeier@ubglaw.com>; Jackie Jacobson <jjacobson@monicolaw.com>; Susan Pavlow <smpavlow@mac.com>; Gabrielle R. Sansonetti <Gabrielle@ilesq.com>; Michael Gillespie <michael@gillespieandgillespielaw.com>; Wheeler, Jenny <jwheeler@sidley.com>
Subject: [EXTERNAL] 20-cr-812 - USA v. McClain et al

Counsel,

Please see the attached correspondence.

Regards,
Dan

DANIEL C. CRAIG

SIDLEY AUSTIN LLP
+1 312 853 7370
dcraig@sidley.com

This e-mail is sent by a law firm and may contain information that is privileged or confidential.
If you are not the intended recipient, please delete the e-mail and any attachments and notify us
immediately.

VIA: Email (amarjeet.bhuachu@usdoj.gov) and U.S. Mail

February 13, 2025

Amar Bhachu
Assistant United States Attorney
United States Attorney's Office
Northern District of Illinois
219 South Dearborn
5th Floor
Chicago, Illinois 60604

Re: Application of FCPA Executive Order to *United States v. McClain et. al.*, Case No. 1:20-CR-812 (N.D. Ill.)

Dear Assistant US Attorney Bhachu:

The undersigned, on behalf of their respective clients, write regarding the Trump Administration's recent changes to the Attorney General's policies and enforcement priorities with respect to the Foreign Corrupt Practices Act.

On February 10, 2025, President Donald Trump promulgated EO 14209, an Executive Order entitled *Pausing Foreign Corrupt Practices Act Enforcement to Further American Economic and National Security* ("Executive Order"). The Executive Order states that the Foreign Corrupt Practices Act ("FCPA") "has been systematically, and to a steadily increasing degree, stretched beyond proper bounds[.]" EO 14209 § 1. Pursuant to the order, the Attorney General is instructed to "review in detail all existing FCPA investigations or enforcement actions and take appropriate action with respect to such matters to restore proper bounds on FCPA enforcement[.]" *Id.* § 2(a)(ii). The Executive Order further states that after the Attorney General issues revised guidelines or policies governing investigations and enforcement actions under the FCPA, "FCPA investigations and enforcement actions initiated or continued . . . must be specifically authorized by the Attorney General." *Id.* § 2(c).

The Executive Order was promulgated shortly after the Office of the Attorney General issued a memorandum specifying that "[t]he Criminal Division's Foreign Corrupt Practices Act Unit shall prioritize investigations related to foreign bribery that facilitates the criminal operations of Cartels and TCOs, and shift focus away from investigations and cases that do not involve such a connection." Memorandum, *Total Elimination of Cartels and Transnational Criminal Organization* at 4 (Office of the Attorney General, February 5, 2025). The memorandum specifies the "bribery of foreign officials to facilitate human smuggling and the trafficking of narcotics and firearms" as examples of cases to be prioritized under the leadership of the new administration. *Id.*

As you know, the indictment brought by your office in the above-referenced matter includes several counts alleging violation of the FCPA based, not on any alleged foreign corrupt practices, the bribery of foreign officials to facilitate human smuggling, nor narcotic and firearms trafficking, but rather on the law's books-and-records provisions. No final judgment in the case

has yet issued, and the convictions on the FCPA counts are subject to Defendants' pending Joint Motion for Reconsideration of Post-Trial Motions and Motion to Dismiss the Indictment (ECF No. 381) ("Motion for Reconsideration"). Thus, this case is an "existing FCPA . . . enforcement action" subject to the Executive Order. EO 14209 § 2(c)(ii).

Accordingly, we request your confirmation that the above-referenced case will be referred to the Attorney General for the "review in detail" directed by the Executive Order. *Id.* Please also advise as to whether the Government would join in a request to the Court presiding over the above-referenced matter that it defer ruling on Defendants' Motion For Reconsideration unless and until such time as the Attorney General issues the revised guidelines or policies required by the Executive Order and specifically authorizes your office to continue prosecuting the FCPA counts alleged in the indictment.

Please advise at your earliest convenience.

[Signatures on following page]

DATED: February 13, 2025

Respectfully submitted,

/s/ Patrick J. Cotter

Patrick J. Cotter
UB GREENSFELDER LLP
200 West Madison Street, Suite 3300
Chicago, IL 60606
Telephone: (312) 345-5088
pcotter@greensfelder.com

David P. Niemeier
UB GREENSFELDER LLP
10 South Broadway, Suite 2000
St. Louis, MO 63102
Telephone: (314) 241-9090
dnp@greensfelder.com

Attorneys for Defendant Michael McClain

/s/ Jacqueline S. Jacobson

Michael D. Monico
Barry A. Spevack
Jacqueline S. Jacobson
Hannah Russell
MONICO & SPEVACK
53 West Jackson Blvd., Suite 1315
Chicago, IL 60604
Telephone: (312) 782-8500
mm@monicolaw.com
bspevack@monicolaw.com
jjacobson@monicolaw.com
hrussell@monicolaw.com

Susan Pavlow
53 West Jackson Blvd., Suite 1550
Chicago, IL 60604
Telephone: (312) 322-0094

Attorneys for Defendant John Hooker

/s/ Scott R. Lassar

Scott R. Lassar
Daniel C. Craig
Jennifer M. Wheeler
Emily R. Woodring
Joan E. Jacobson
SIDLEY AUSTIN LLP
One South Dearborn
Chicago, IL 60603
Telephone: (312) 853-7000
Facsimile: (312) 853-7036
slassar@sidley.com
dcraig@sidley.com
jwheeler@sidley.com
ewoodring@sidley.com
joan.jacobson@sidley.com

Attorneys for Defendant Anne Pramaggiore

/s/ Gabrielle R. Sansonetti

Gabrielle R. Sansonetti
LEINENWEBER, DAFFADA, &
SANSONETTI
120 N. LaSalle Street, Suite 2000
Chicago, Illinois 60602
(773)716-6117(c)
gabrielle@ilesq.com

Michael P. Gillespie
GILLESPIE AND GILLESPIE
53 West Jackson Blvd., Suite 1062
Chicago, IL 60604
Telephone: (312) 588-1281
michael@gillespieandgillespielaw.com

Attorneys for Defendant Jay Doherty